

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

STACY S; and JOHN and
MARY ELLEN S., on behalf
of their daughter, LEIGH
ANN S., a minor,
Plaintiffs

vs.

Civil Action No. 04-150E

GIRARD SCHOOL DISTRICT;
ROBERT SNYDER,
Individually and in his
capacity as Principal of
the Rice Avenue Middle
School; and GREGORY
YARBENET, a professional
employee of the Girard
School District,
Defendants

HONORABLE SEAN J. MCLAUGHLIN

Jury Trial Demanded

Deposition of KAREN KWIATKOWSKI, taken before and
by Carol A. Holdnack, RPR, Notary Public in and for
the Commonwealth of Pennsylvania, on Thursday,
April 21, 2005, commencing at 10:10 a.m., at the
Crawford County Courthouse, Meadville, PA.

For the Plaintiffs:

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Reported by Carol A. Holdnack, RPR
Ferguson & Holdnack Reporting, Inc.

B-1

1 to girls."

2 A. Yes.

3 Q. "Quite often they are in his room with the lights
4 out. He claims the lights hurt his eyes." Did he tell you
5 that directly?

6 A. Yes, he did.

7 Q. When did he tell you that?

8 A. When I turned the lights on.

9 Q. Do you remember the first time he told you that,
10 datewise?

11 A. No, I don't.

12 Q. But the first time that he was in there with the
13 lights out and you turned the lights on, he told you they --
14 the lights hurt his eyes?

15 A. Every time he was in there with the lights off, I
16 would go in and turn the lights on.

17 Q. Okay. And --

18 A. Especially if he had students in there. If he was
19 in there by himself, I didn't care if he had the lights out.

20 Q. Was it your impression that he pretty much had the
21 lights out all the time?

22 A. Yes.

23 Q. Okay. Was the room pitch dark with the lights
24 out?

25 A. It was dark, but not pitch dark. He had a wall

B-2

1 that was painted black. And he had his door covered up so
2 that you couldn't see in there.

3 Q. Were there windows to that classroom?

4 A. Yes. So the only light that was coming into the
5 room would be from the windows.

6 Q. I take it the light was sufficient, for example,
7 to read -- to read something if he was able to work in
8 there; is that --

9 A. I don't know.

10 Q. Okay. The windows, was it one window, a wall of
11 windows?

12 A. It was a wall of windows.

13 Q. Okay. Would you see him in that room working
14 alone with the lights out as well?

15 A. I don't know because I couldn't see in the room
16 with the lights out and the covering on the door. And if I
17 heard students in there, I had a key that would unlock that
18 door. And I would unlock that door and go in there and turn
19 the lights out -- on.

20 Q. Did you ever open the door and observe Yarbenet in
21 there alone with the lights out?

22 A. No. Only if I heard students would I open the
23 door.

24 Q. So if you didn't hear activity in the room, you
25 would have no reason to open the door --

B-3

1 A. Correct.

2 Q. -- and look in.

3 A. Correct.

4 Q. All right. And so as I understand your testimony,
5 you never entered that room with the lights out except when
6 you heard activity.

7 A. Students, correct, yes.

8 Q. And when you would open that door when you hear
9 student activity in there and lights would be out, would you
10 say anything? Let me rephrase it. It's a bad question.
11 When you would open -- when you opened that door after
12 hearing students inside the room, did you ever say anything?

13 A. I suppose I did, but I don't recall what I said.

14 Q. Did you ever talk to Mr. Yarbenet on the occasions
15 when you would hear students in the room and would open the
16 door and turn the lights on other than to have him say the
17 lights hurt my eyes?

18 A. Yeah, a couple of times he had students in there
19 who were supposed to be in the cafeteria. And I think the
20 conversation was about those students being in his room when
21 they were supposed to be in the lunchroom. And him telling
22 me it was okay, they had my permission.

23 Q. Anything else you can recall?

24 A. Then I went to Bob, let Bob know about that.

25 Q. Do you recall anything else about those

B-4

1 conversations?

2 A. No.

3 Q. And what you've described, students being present
4 in Mr. Yarbenet's classroom when they should be in the
5 cafeteria, was that a disciplinary issue?

6 A. I thought so.

7 Q. Did anyone ever tell you what the students were
8 doing in the classroom?

9 A. Eating their lunch in there with him instead of in
10 the cafeteria. It was kind of a -- kind of a safety issue.
11 If a student was supposed to be at lunch, the student was
12 supposed to be at lunch. If somebody needed that student
13 and you went to the lunchroom looking for them, and they
14 weren't there, you had no idea where they were. Students
15 were reporting, instead of to the lunchroom, right to his
16 room to eat. So it was kind of that sort of a situation.

17 Q. So if you wanted to locate a student that isn't
18 where he or she is supposed to be, what would you have to
19 do, use the intercom?

20 A. Yes. And they didn't like to do that because it
21 interrupted classes.

22 Q. And these instances where you would find students
23 in the classroom of Mr. Yarbenet during lunch, I take it
24 this was multiple students?

25 A. Yes.

B-5

1 Q. Okay. About how many would be in there?

2 A. Half a dozen, ten.

3 Q. Did you ever see a student in the classroom with
4 Mr. Yarbenet eating lunch alone?

5 A. No.

6 Q. And, Mrs. Kwiatkowski, you had mentioned earlier
7 that you would enter the classroom to turn the lights on
8 when you would hear students inside.

9 A. Correct.

10 Q. Were there multiple students in the room on those
11 occasions?

12 A. Yes.

13 Q. Did you ever open the door and turn on the lights
14 at a time when Yarbenet was alone with a student in the
15 classroom?

16 A. No.

17 Q. Going back to your statement, Exhibit 1, let me
18 continue where I left off. You state here, "My job is to
19 patrol the second floor hallway in the morning before a.m.
20 homeroom. So I see a lot of this." I guess I -- I'm not
21 exactly sure what the "this" is in that sentence.

22 A. I think what I meant is that he quite often was in
23 that room in the morning with the lights out and students in
24 there.

25 Q. Okay. You say, "I've mentioned it several times

B-6

1 to Mr. Snyder, Mr. McClelland and Mr." --

2 A. Hahesy.

3 Q. -- "Hahesy" --

4 A. Yes.

5 Q. -- "when he was here." Let me start with
6 Mr. Hahesy. When was Mr. Hahesy at Rice Avenue Middle
7 School; do you remember?

8 A. I don't recall the dates.

9 Q. What was his title?

10 A. Assistant principal.

11 Q. Was he Mr. McClelland's predecessor?

12 A. Yes.

13 Q. And what did you tell Mr. Hahesy about this
14 situation?

15 A. With him, it was that students were -- because
16 Mr. Hahesy always did lunch duty. With him it was that the
17 students were eating lunch in there, and he did not want
18 them in there.

19 Q. Okay. So you told Mr. Hahesy that you thought it
20 was inappropriate and contrary to the rules for the students
21 to be eating lunch --

22 A. I didn't say it like that.

23 Q. Was that the essence of --

24 A. Yeah, that was the essence.

25 Q. And what about Mr. McClelland, did you say

B-7

1 essentially the same thing to him?

2 A. Yes. Plus girls being in that room at other times
3 during the day. With Mr. Hahesy, it was mostly the
4 lunchtime thing. With Mr. McClelland, it was the girls were
5 in there quite often.

6 Q. Any particular girls who you noticed were in there
7 quite often?

8 A. I listed a bunch of them. As many as I could
9 remember at the end of this.

10 Q. And I take it the girls who you've listed on the
11 second page of Exhibit 1 were in that classroom at times
12 other than lunch?

13 A. Correct.

14 Q. All right.

15 A. A lot of the kids, girls -- it was always girls --
16 would come out of their study halls and go to his classroom.
17 One particular occasion I can remember going in there, and I
18 don't really remember what I went in there for, to deliver
19 something or to look for a student. And the whole room was
20 ringed with girls who were not in sixth grade, weren't in
21 his sixth grade class. I mean, there were seventh graders,
22 eighth graders.

23 Q. Where were they seated?

24 A. Standing along the walls, seated on the -- it was
25 like a shelf there for the heaters and coolers by the

B-8

1 ~~Yarbenet~~ was standing?

2 A. In front of him, yes.

3 Q. In front of him. And you entered the classroom?

4 A. Yes.

5 Q. All right. And did you walk to them, or where
6 were you standing?

7 A. In the doorway.

8 Q. Okay. And how far is the doorway from the
9 computer desk?

10 A. Maybe 10, 15 feet.

11 Q. And how long did you stand there?

12 A. Until ~~Yarbenet~~ was done, and then told her to get
13 out of the room.

14 Q. Okay. Did you overhear their conversation?

15 A. No, I didn't.

16 Q. Do you have any idea what they were talking about?

17 A. No, I don't.

18 Q. So Yarbenet is seated. He's got a computer in
19 front of him, or somewhere --

20 A. Um-hum.

21 Q. -- on the --

22 A. In -- right in front of him.

23 Q. All right. Right in front of him. And she is
24 standing on the other side of that. And you could --

25 A. Yes.

B-9

1 Q. And it was your perception that he was staring at
2 her breasts?

3 A. Staring her up and down; starting at her breasts,
4 looking down, back up again. Never looking at her face.

5 Q. Did you have any conversation with [REDACTED]
6 [REDACTED] or Gregory Yarbenet at that time?

7 A. No. Other than to tell [REDACTED] to leave the
8 room.

9 Q. Leave the room. Yeah, you did say that.

10 A. Move out.

11 Q. And I take it from your description of this that
12 [REDACTED] and Yarbenet were separated by this desk
13 and this computer.

14 A. Yes.

15 Q. You wrote here that, "Lough A [REDACTED] spends
16 a lot of time with Yarbenet."

17 A. Yes.

18 Q. What did you mean by that? Could you be more
19 specific.

20 A. It just seems like she was always with him. One
21 thing I did not put on here that I observed. I observed
22 Yarbenet standing in the hallway near the elevators to go
23 up -- and I didn't put that in there either -- by the
24 elevators, and he had his arm around Lough A [REDACTED]'s shoulders.
25 And he kissed her on top of the head.

B-10

1 Q. Okay.

2 A. Whole bunch of students around at that time.

3 Q. This is right out in the hallway with all the
4 students around?

5 A. Yeah.

6 Q. Okay. And when you say around her shoulder, was
7 it -- Bob, I'm sorry, but one of these (indicating)?

8 A. Yes.

9 Q. Okay. That does not -- not going to show up on
10 record.

11 MR. OLDS: That's not going to show up on the
12 record.

13 MR. LANZILLO: And I wanted her to understand
14 first. Now, I'll make it clear on the record.

15 Q. An arm around the shoulder, just to illustrate,
16 like a --

17 A. Like a hug.

18 Q. Like a parent would on a child?

19 A. Yes.

20 Q. Was he -- was it just the one arm around the
21 shoulder?

22 A. Yes.

23 Q. So it wasn't an embrace.

24 A. No.

25 Q. All right.

B-11

1 (Discussion held off the record.)

2 Q. So one arm. Do you remember which arm it was?

3 A. Right arm.

4 Q. And he leaned over and kissed her on top of the
5 head?

6 A. Correct.

7 Q. Okay. And what did Leigh Ann do?

8 A. Her face just got red.

9 Q. Okay. And what happened after that?

10 A. They kind of disbursed. He went upstairs to the
11 TV studio.

12 Q. Okay.

13 A. He used to take students into the elevator too.
14 Girls. And that was the other thing I don't think I --

15 Q. Do you know why you didn't note on your statement
16 about the arm on the shoulder and the kiss on the top of the
17 head?

18 A. I probably forgot about it.

19 Q. What was Leigh Ann doing when that occurred?

20 A. Standing there amongst a bunch of students. I was
21 kind of shocked to see him do that. Not because it was
22 Leigh Ann, just because it was anybody.

23 Q. He was -- would it be fair to say he was a more
24 demonstrative teacher than most?

25 A. Oh, yes. He really was.

B-12

1 A. I didn't know where ~~Stacy~~ lived. I knew where
2 Yarbenet lived.

3 Q. Do you know whether on any of those occasions the
4 two of them were walking to meet Mrs. ~~Stacy~~?

5 A. I didn't know that.

6 Q. Okay.

7 A. I had no clue where they were going.

8 Q. You just saw them together.

9 A. Just saw them together.

10 Q. Okay. And you saw them, what, walking side by
11 side?

12 A. Yes.

13 Q. Okay. Did you ever see them holding hands?

14 A. No.

15 Q. Did you ever see Yarbenet walking with his arm
16 around ~~Stacy~~'s shoulder?

17 A. No.

18 Q. Okay.

19 A. Sometimes he would carry her books.

20 Q. And I've already asked you, you have no idea what,
21 if any, relationship there was between the Yarbenet family
22 and the ~~Stacy~~ family?

23 A. No. I used to joke about it, though.

24 Q. What would you joke about?

25 A. There goes Yarb with his girlfriend. In fact, I

B-13

1 even made that comment to Bob one time when we were standing
2 there watching. And he says, um-hum.

3 Q. Did you make that joke to anyone else?

4 A. Oh, probably.

5 Q. Can you remember anyone in particular?

6 A. No.

7 Q. You recall making that joke on one occasion to
8 Principal Snyder, however?

9 A. Yes.

10 Q. Do you recall if he said anything in response?

11 A. Just um-hum.

12 Q. When did you make that joke to Principal Snyder?

13 A. I used to stand in the office as the students were
14 leaving and getting on the bus or leaving to go home. And
15 it was kind of after the busses had left and all the kids
16 had left. And dates, I don't remember. And I would just
17 make comments out loud lots of times. But Bob happened to
18 be standing there one time with me, and I recall that.

19 Q. Okay.

20 A. I may have said it a lot of times.

21 Q. But this is the one occasion you recall saying
22 that?

23 A. Yes.

24 Q. And it was -- and this occasion was just
25 happenstance, you both were in the same area at the time?

B-14

1 A. Correct, yeah.

2 Q. Okay. Did you ever tell Principal Snyder, Vice
3 Principal McClelland or Vice Principal Haahsy --

4 A. Haahsy.

5 Q. -- thank you, Haahsy -- that you believed that
6 Yarbenet was engaged in sexual behavior with S [REDACTED]
7 or Leigh A [REDACTED]?

8 A. I don't think I used those words. I told them a
9 lot of times that I thought what he was doing was
10 inappropriate. Kind of had a gut feeling about him. That
11 his association with girls and the number of times that he
12 was associated and what he was doing was wrong. Was not
13 right.

14 Q. He seemed to have too many girls around him too
15 often?

16 A. Absolutely.

17 Q. Okay. That was your assessment?

18 A. That's my assessment. I think I really knew that
19 he was up to something when I saw his reaction to this [REDACTED]
20 [REDACTED].

21 Q. You're talking about when he looked her up and
22 down?

23 A. Right.

24 Q. Okay.

25 A. Until that time, I didn't really connect the two.

B-15

1 I guess I didn't really realize. And that was shortly
2 before he was arrested.

3 Q. How soon before he was arrested?

4 A. Within months.

5 Q. Okay. Up to that point in time you just thought
6 he was kind of a goofy, gregarious, almost juvenile type of
7 guy?

8 MR. OLDS: Objection to form. She hasn't
9 testified to that.

10 MR. LANZILLO: Well, that's why I'm asking the
11 question.

12 MR. OLDS: Okay.

13 A. Well, he's a goofy kind of guy. I thought a lot
14 of the things that he did were just inappropriate for a
15 teacher.

16 Q. Unprofessional.

17 A. Unprofessional, inappropriate. Each time I would
18 see him do something inappropriate I would tell my
19 supervisor. If it wasn't Bob, it was Mr. McClelland. If it
20 wasn't Mr. McClelland, it was Mr. Hahesy. You know, it's
21 not that I observed all these things and told nobody.

22 Q. I understand. But what you observed was that he
23 seemed to have a lot of girls around him?

24 A. Correct.

25 Q. You observed that he was a very popular teacher,

B-16

1 correct?

2 A. Correct.

3 Q. You observed that students who were not assigned
4 to his classroom would be in his classroom at times while he
5 was teaching his class?

6 A. Correct.

7 Q. You observed that there would be multiple students
8 at times in his classroom, enough that you would hear them
9 audibly in there --

10 A. Correct.

11 Q. -- and you would open the door and his lights
12 would be out.

13 A. Correct.

14 Q. All right. You observed -- you never -- well,
15 let's talk a minute about what you didn't observe.

16 A. I also observed students who were in his classroom
17 that should have been in the cafeteria.

18 Q. Right. You did tell me that.

19 A. Yes.

20 Q. Thank you. Okay. And that was -- you would
21 estimate those to be maybe six to a dozen students --

22 A. Correct.

23 Q. -- at a time. All right. Anything else that
24 you --

25 A. No. Not that I can recall at this time. Oh, the

B-17

1 elevator incident.

2 Q. Okay. And let me make sure --

3 A. There was an elevator that went to the third
4 floor. And he took just the whole bunch of girls one day,
5 and went on the elevator up to the TV studio.

6 Q. How many girls?

7 A. I would say a half a dozen, five, six, seven. The
8 elevator was full.

9 Q. Okay. So Yarbenet and six or seven girls got on
10 this elevator and went up to the --

11 A. TV studio.

12 Q. -- TV studio. How long did you observe Yarbenet
13 and the girls watching --

14 A. My entire career at the middle school.

15 Q. I'm talking about this one occasion with the
16 elevator. So they walked into the elevator --

17 A. Walked in the elevator, and I'm assuming went to
18 the TV studio. I don't know for sure. I was just kind of
19 shocked to see him. First of all, use the elevator, and use
20 it with students, and the students being girls.

21 Q. Okay. I take it, though, that it's your
22 assumption they were going to the TV studio.

23 A. My assumption.

24 Q. Okay.

25 A. Correct.

B-18

1 Q. And what you were in a position to observe was
2 Yarbenet and six or seven female students get on the
3 elevator and the doors shut.

4 A. Correct.

5 Q. All right. Other than the right arm around Leigh
6 Ann [REDACTED]'s shoulder and the kiss on the top of the
7 head of Leigh Ann on that one occasion --

8 A. Yes.

9 Q. -- you never saw Yarbenet hug another student,
10 correct?

11 A. Correct.

12 Q. You never saw Yarbenet kiss another student in any
13 way?

14 A. Correct.

15 Q. And you never saw Yarbenet touch any other student
16 on the buttocks, the chest, the legs, or any other
17 inappropriate area?

18 A. Correct.

19 Q. All right. Did you talk to Principal Snyder at
20 all about the arm on Leigh Ann [REDACTED]'s shoulder and the
21 kiss on the head? And the reason I ask is I noticed it
22 wasn't mentioned in your statement to the police. And I'm
23 wondering --

24 A. No, it wasn't. Yes, I did.

25 Q. Okay. When did you do that?

B-19

1 A. Right after it happened. Right after I went back
2 down to the office.

3 Q. Okay. And what did you say?

4 A. Told him. I just saw Yarbenet with his arm around
5 ~~Leah Ann [REDACTED]~~ and kissing her on the top of the head.

6 Q. And when you say kissing, if I use the word
7 peck --

8 A. No.

9 Q. Okay.

10 A. Not a peck.

11 Q. How long did he kiss her on top of the head?

12 A. I don't know.

13 Q. Okay. And there's kissing and then there's
14 kissing. And I'm trying to understand the distinction here,
15 whether we're talking about a kiss as a sign of support, as
16 opposed to something that could have a sexual connotation to
17 it. What was your impression at the time?

18 A. Sexual connotation. A kiss of -- not just
19 something that was lightly -- I don't know how to describe
20 it.

21 Q. Well, let me ask you this. Where on the head was
22 the kiss?

23 A. Right in the middle of the head, top of the head
24 (indicating).

25 Q. For the record, the witness has indicated pretty

B-20

1 much dead center on top of the head.

2 A. Yeah.

3 Q. Okay. Right about the midline where you would
4 have the part of the head, but where the hair is, right in
5 the middle?

6 A. You're making me laugh. So foolish. I mean, top
7 of the head, top of the head.

8 Q. Okay. But it's important. So I described it
9 correctly?

10 A. Yes, you did.

11 Q. Right in the middle of the top of the head.

12 A. Yes.

13 Q. All right. And you don't remember how long the
14 kiss was?

15 A. No. Seconds probably.

16 Q. And what did the other students in the area do or
17 say?

18 A. Nothing.

19 Q. Okay. Were there any other teachers or school
20 personnel in the area at the time?

21 A. There could have been. I don't recall. I don't
22 really pay much attention to other teachers when I'm doing
23 my job. Unless they ask me a question.

24 Q. Okay. And so you -- after that you returned to
25 the office after your hallway duty.

B-21

1 Q. Mrs. Kwiatkowski, though, let's focus on the
2 facts, though. Because when you tell me you reported all
3 sorts of things like that, I get the sense you're trying to
4 imply certain things. But I want to know -- I mean, we've
5 already talked about the fact that --

6 A. Bob was my boss.

7 Q. Let me finish my question.

8 A. Sure.

9 Q. Because you want to be truthful here under oath,
10 correct?

11 A. Absolutely.

12 Q. All right. And were you truthful when you told me
13 that other than the occasion with Leigh Ann [REDACTED] with
14 the arm on the shoulder and the kiss on the top of the head,
15 that was the only physical contact that you ever observed?

16 A. That's correct.

17 Q. All right. So when you say, I talked to him about
18 all sorts of other things, one thing is for sure, you didn't
19 talk to him about seeing him touch a student other than that
20 one occasion.

21 A. Correct.

22 Q. All right. And were you truthful when you told me
23 that no student ever told you that Yarbenet had touched her
24 inappropriately --

25 A. Correct.

B-22

1 Q. -- sexually harassed her or had any type of
2 inappropriate physical contact with her?

3 A. Right. You're right.

4 Q. All right. That was truthful testimony.

5 A. That was.

6 Q. So you never told Principal Snyder that a student
7 had complained to you, did you?

8 A. No, I did not.

9 Q. All right.

10 A. What I was trying to import to you was the fact
11 that Bob was my boss. If I saw something that I thought he
12 should be aware of, I told him about it. You know, be it
13 regards to Yarbenet, be it regards to anybody else.

14 Q. And you told him that you saw Yarbenet look this
15 student [REDACTED] up and down.

16 A. Yes, I did.

17 Q. All right. Tell me exactly what you said to him.
18 Because exactly what you said is important.

19 A. I said to him, now I know something is going on
20 with Yarbenet, I just saw him look [REDACTED] up
21 and down, staring at her breasts, looking at her physical
22 attributes. Those are my words, I don't think I said those
23 to Bob. Looking at her body, I guess I said to him.

24 Q. Okay.

25 A. You know, like I told you, all along I just had

1 had suspicions and kind of a gut feeling until I saw that.
2 When I saw that, I just knew there was something going on.
3 I didn't know with whom.

4 Q. What's the something?

5 A. Something sexual. Something -- I guess I put the
6 word inappropriate. Something inappropriate.

7 Q. Well, the something, though, that you're referring
8 to --

9 A. Right.

10 Q. -- you didn't have any observations to indicate
11 that Mr. Yarbenet had ever touched the breasts --

12 A. No.

13 Q. -- or buttocks or --

14 A. No.

15 Q. -- any other private parts of a student, correct?

16 A. No, I don't mean that. No, I don't mean that.

17 Q. All right. Let's make sure we understand what
18 "something" is.

19 A. Um-hum.

20 Q. And you had no reason to believe that Yarbenet had
21 kissed a student on the lips.

22 A. No.

23 Q. And, in fact, you had no reason to believe that
24 Yarbenet had had sexual contact with any student, did you?

25 A. I might have suspected it.

B-24

1 Q. But I'm asking about facts that you knew.
2 A. No, I had no facts.
3 Q. And so, therefore, you had no facts to convey to
4 Principal Snyder; is that correct?
5 A. About sexual inappropriate touching?
6 Q. Um-hum. Yes.
7 A. No.
8 Q. Okay.
9 A. Correct. They were all suspicions.
10 Q. And is it also fair to say that you never
11 complained to Principal Snyder that Yarbenet was sexually
12 harassing any students?
13 A. No, I never used those words.
14 Q. Did you ever complain to him that Yarbenet --
15 well, let me back up. When I refer to sexual harassment,
16 what do you think of?
17 A. I don't know. It could be inappropriate touching.
18 Q. Okay.
19 A. Inappropriately saying things.
20 Q. Let me ask about that. Did you ever see or
21 overhear Yarbenet say something inappropriate, however,
22 using that term to a student?
23 A. No, I did not.
24 Q. All right. So you didn't report that to Principal
25 Snyder.

B-25

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1 A. No, I did not.

2 Q. Go ahead. You said if a teacher touched a student
3 inappropriately. I assume by that you mean -- what? I
4 won't tell you what I assume. What do you mean by that?

5 A. I would assume touching them on the buttocks, the
6 breasts, the genital area. Kissing them. Telling them an
7 inappropriate joke. Talking in a crude, inappropriate way,
8 sexual way. Those sorts of things.

9 Q. Did you ever see any teacher ever put an arm
10 around or on the shoulder of a student other than Yarbenet?

11 A. Bob.

12 Q. Bob does that?

13 A. Yes.

14 Q. Did you consider that inappropriate?

15 A. No.

16 Q. Have you ever done that?

17 A. No, I don't think so.

18 Q. Have you ever seen any other teacher do that?

19 A. Not that I can recall.

20 Q. Okay. And in your description of what you would
21 consider to be sexual harassment, you did mention kissing.

22 A. Um-hum.

23 Q. Do you mean kissing on the lips, kissing on the
24 cheek? Again, I'm --

25 A. I meant a kiss anyplace.

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1 Q. So, in your mind, and everyone is entitled to
2 their opinion, the kiss on the top of the head, was that
3 sexual harassment, just as you understand it?

4 A. I would say yes, as I understand it.

5 Q. Does it matter whether that happens behind closed
6 doors in private, or the fact that it's --

7 A. No.

8 Q. Okay.

9 A. To me, it doesn't.

10 Q. And you saw that on one occasion, correct?

11 A. Yes, I did.

12 Q. All right. Am I correct, then, that the only
13 thing that you ever personally reported to Bob Snyder that
14 falls within your personal definition of sexual harassment
15 was the kiss on the top of the head?

16 A. That's correct.

17 Q. All right. In your affidavit, Paragraph 16, you
18 state, "I also observed Mr. Yarbenet giving a particularly
19 well-endowed female student who was in the sixth grade at
20 the time the once-over."

21 A. That's [REDACTED]

22 Q. I thought you thought -- I thought you indicated
23 she was in seventh grade.

24 A. No, I said sixth.

25 Q. Okay.

B-27

1 A. She may have been in seventh at that time. I
2 might have indicated that.

3 Q. Okay.

4 A. Like I told you, you know, dates kind of all --
5 and years kind of all run together.

6 Q. On what date did you report Mr. Yarbenet looking
7 over Ms. [REDACTED] to Principal Snyder?

8 A. The same day it happened, whatever day that was.

9 Q. And that's my question.

10 A. Yes. I have no clue. I don't recall.

11 Q. Did you ever give Principal Snyder anything in
12 writing?

13 A. I don't know whether I gave him this statement to
14 the police. I might have. Or I might have just left it for
15 the police to come pick up. I'm not positive on that.

16 Q. And that statement was prepared after Yarbenet --

17 A. After Yarbenet was arrested.

18 Q. All right. Prior to that, did you ever write
19 anything up for Principal Snyder or any other administrator?

20 A. No.

21 Q. Okay.

22 A. It was all verbal.

23 Q. Did you ever contact the police or any other
24 authorities?

25 A. No.

B-28

1 Q. Did you ever talk to any parents?

2 A. No.

3 Q. Did you ever ask a student whether --

4 A. No.

5 Q. -- there might be --

6 A. No, I wouldn't have done that.

7 Q. Because --

8 A. I didn't feel that that was my place to do that.

9 Q. Well, you've told me that you had a gut
10 impression.

11 A. Yes.

12 Q. But you didn't have any facts.

13 A. Correct. I still didn't think it was my place to
14 question a student. I never would have done that.

15 Q. Okay.

16 A. I didn't have that kind of a rapport with
17 students. I was kind of the disciplinarian.

18 Q. Did you ever tell other teachers or other
19 employees of the School District that you would sometimes
20 start rumors just to see where they would go?

21 A. Oh, sure.

22 Q. Who did you tell that to?

23 A. Boy, I don't know. My friends.

24 Q. So the idea is you would start a rumor just to see
25 how far it would travel within the school?

B-29

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1 A. Yes.

2 Q. And you don't know of anyone else?

3 A. No, I don't.

4 Q. Did you ever -- did you know Ms. Janke?

5 A. Yes, I knew who she was. She was a teacher aide.

6 Q. Did you ever talk to her about anything she
7 observed concerning Yarbenet?

8 A. No, I didn't. I wasn't friendly towards her or
9 with her. Or towards her.

10 Q. I think that you testified that you did observe
11 Stacy alone in the room.

12 A. Yes. I can picture her sitting at Yarbenet's
13 desk, and I think each time that's where I saw her, at his
14 desk.

15 Q. And these would be times when she was alone there?

16 A. Yes. Or Yarbenet was maybe around back in his
17 storeroom/storage area.

18 Q. But when I say alone, there weren't other
19 students.

20 A. No, no other students, just Stacy. And I would
21 always question her as to what she was doing in there.

22 Q. Did you ever tell Mr. Snyder about those
23 occasions?

24 A. Yes, I did.

25 Q. And do you recall what he said?

B-30

1 A. He said he would check into it.

2 Q. Do you know whether you ever told Mr. McClelland
3 or Mr. Haesy about those observations?

4 A. No, I did not. I don't think Mr. McClelland was
5 there when Stacy was a student there.

6 Q. It would have been Mr. Haesy?

7 A. It would have been Mr. Haesy.

8 Q. Did you have conversations with Mr. McClelland
9 about your observations of Yarbenet?

10 A. Oh, yes.

11 Q. What kind of things --

12 A. Same thing.

13 Q. -- would you tell him?

14 A. Oh, the same sorts of things; that he's got the
15 lights out, that he's in the room with the girls, just the
16 same sort of things that we have been speaking about here.

17 Q. Before school would begin in the wintertime, was
18 that room dark?

19 A. No. Because it had -- you know, it wasn't like
20 the drapes were pulled, or the curtains pulled, or shades,
21 if the windows had shades. I don't think there were
22 shades -- there were blinds in there. No.

23 Q. So it was darkened but not dark?

24 A. Yes. Darkened but not dark. And right next to
25 the windows he had one whole wall that was painted black

1 with scenes of the moon on it.

2 Q. I think that you -- or Mr. Lanzillo asked you a
3 question about whether you have ever observed anything in
4 the nature of sexual harassment aside from this kiss that he
5 talked about quite a bit.

6 A. Yes.

7 Q. Did you think it was sexual harassment the way
8 Yarbenet looked at the [REDACTED] [sic] girl?

9 A. Yes, I did.

10 Q. I think you said that you talked to Marcia
11 Mikovich about this, about this [REDACTED] girl?

12 A. The [REDACTED] girl, yes, I did.

13 Q. [REDACTED] girl. And she told you that she had
14 actually talked to her?

15 A. Yes.

16 Q. And that the student had informed her that she had
17 been touched?

18 A. Right. That Yarbenet had touched her on the
19 buttocks.

20 Q. Okay. And do you know whether Ms. Mikovich ever
21 made that report to Mr. Snyder?

22 A. That, I don't know. I don't think Mr. Snyder
23 was -- well, yes, he was principal then. I don't know that,
24 whether she did or not. That was after Yarbenet was
25 arrested.

B-32

1 Q. When you told Mr. Snyder, there goes Mr. Yarbenet
2 with his girlfriend.

3 A. Yes.

4 Q. Do you remember, you testified about that
5 incident?

6 A. Yes.

7 Q. Were you joking when you said that?

8 A. Yes. Yes, I was.

9 Q. Did you want him to give you some response?

10 A. Not really.

11 Q. Did you think it was funny?

12 A. I don't know if I thought it was funny. I was
13 joking about it, that ~~Stacy~~ was his girlfriend. I guess it
14 was just one of those comments.

15 Q. Did he laugh?

16 A. Hum-um. No, he just said um-hum.

17 Q. Did you think that ~~Stacy~~ was his girlfriend?

18 A. Um-hum.

19 Q. You did?

20 A. Yes.

21 Q. And did you -- by this time, when you made that
22 comment in Mr. Snyder's presence, do you think that you had
23 told him about -- that there had been incidents where
24 Yarbenet was alone with ~~Stacy~~?

25 A. Yes. That ~~Stacy~~ was in his room frequently.

B-33

1 Q. You said that you thought that she was in there
2 every day. How did you -- where did you come up with that
3 impression?

4 A. It's just that I saw her in there so many times.
5 It might not have been every day.

6 Q. But that was your impression?

7 A. That was my impression.

8 Q. When you would see ~~Stacy~~ and Mr. Yarbenet leave
9 the school together --

10 A. Yes.

11 Q. -- was there anything about the way they acted
12 that suggested some kind of relationship, any inappropriate
13 relationship?

14 MR. LANZILLO: Objection to form. You can answer.
15 I have to put my objection on the record.

16 A. Okay. Not inappropriate. Just the fact that he
17 would carry her books, that they were laughing and joking
18 and seemed friendly.

19 Q. Okay. A number of times here today I think you
20 said that you had a gut feeling.

21 A. Yes.

22 Q. Did you ever tell Mr. Snyder -- did you use those
23 words with him?

24 A. I may have. I don't really recall.

25 Q. And I think you also said that you observed Leigh

B-34

1 Ann in his room alone and you even gave her a detention.

2 A. Yes, I did.

3 Q. And that was when she was in that room alone?

4 A. Yes -- well, that's when she was in that room when
5 she had a homeroom on the third floor.

6 Q. Okay. But there were no other students in the
7 room?

8 A. There may have been.

9 Q. There may have been. Did you see her in his room
10 frequently in the morning?

11 A. Yes. Because she was a member of the TV studio
12 group.

13 Q. And when you saw -- when you reported the
14 [REDACTED] incident to Mr. Snyder --

15 A. Yes.

16 Q. -- you said -- well, wait, strike that. I think
17 you said in response to one of Mr. Lanzillo's questions that
18 at some point you told Mr. Snyder that you thought that
19 Yarbenet was up to something.

20 A. I said to him, now I know he's up to something.

21 Q. Okay. And that was regarding [REDACTED].

22 A. Yes, regarding [REDACTED].

23 Q. Had you ever told him before, that you thought he
24 was up to something?

25 A. I probably did.

B-35

1 Q. Did you have any relationship with Gayla DeMarco?

2 A. No.

3 Q. And did you ever talk to her about things that you
4 observed?

5 A. No.

6 Q. What were the -- if you can tell me, after
7 Yarbenet was arrested, tell me what, you know, it was like
8 being at that school, in terms of what people were talking
9 about, what they were saying.

10 A. Everybody -- I shouldn't say everybody. A lot of
11 people were shocked. A lot of people didn't believe it. I
12 believed it right away. I was happy they caught him.
13 People were surprised. Some people had no clue that
14 anything was going on. That's about it.

15 Q. Did anyone else tell you that they believed it?

16 A. One teacher did, Linda Tucci, and I wasn't aware
17 of this before Yarbenet was arrested. But she told me the
18 story about Mr. Yarbenet and ~~Stacy~~ at the eighth grade
19 dance, and how he was very involved with that group that was
20 preparing for that eighth grade dance. And that she had
21 never seen that before. And he was always with Stacy, and
22 was there helping to decorate.

23 And at one point in time, one evening when they
24 were decorating the cafeteria for that dance, took ~~Stacy~~ and
25 went up into the TV studio with her. And she was very

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1 suspicious about that having occurred, whether -- you know,
2 that the fact that he had taken her up there to that TV
3 studio alone. And Yarbenet said it was to get her book bag
4 and her books so that she could go home. And that he was
5 doing this to help ~~Stacy~~ because he didn't think that she
6 was social enough, and he was kind of helping her out to
7 make her a more social person.

8 And I think that was the only time anything about
9 his behavior was discussed with another teacher. They all
10 kind of knew how I felt about him. They all kind of knew
11 that I suspected something right along. And I didn't make
12 my opinions -- I didn't hide my opinions. I let anybody who
13 would hear know how I felt. It wasn't like I was just
14 suspicious. I have a big mouth, and I would tell anybody
15 that would hear, would listen.

16 Q. Did you ever have any confrontations with
17 Yarbenet?

18 A. None. No.

19 Q. Were you trying to start a rumor about him when
20 you would make your feelings known about him?

21 A. No.

22 Q. So that was serious.

23 A. That was serious.

24 Q. Did you ever hear any stories that Yarbenet would
25 give better grades to students who were nice to him?

B-37

1 A. No, I never heard that.

2 Q. The dark paper that was over Mr. Yarbenet's door,
3 was that such that you couldn't see in his door?

4 A. Yes, um-hum.

5 Q. So the lower part of his --

6 A. The lower part, probably the lower half of the
7 door. I don't think it was entirely covered.

8 Q. The window.

9 A. The window.

10 Q. Just the lower half?

11 A. Yes.

12 Q. In your affidavit you say, "Mr. Yarbenet's
13 behavior with girls was observed by teachers and was
14 discussed with concern." What did you mean when you said
15 that?

16 A. They were worried that he would lose his job or
17 that he would lose his pension, and how could he risk his
18 pension and his job by behaving the way he was. Those were
19 the concerns.

20 Q. Did any teachers ever tell you that Mr. Yarbenet
21 had made them feel uncomfortable?

22 A. Yes, Mrs. Bible did.

23 Q. What did she say?

24 A. I guess he was -- when her husband died, he was
25 coming around and promoting his affiliation with the --

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Kimberly Jenke

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

STACY S; and JOHN and
MARY ELLEN S., on behalf
of their daughter, LEIGH
ANN S., a minor,
Plaintiffs

vs.

Civil Action No. 04-150E

GIRARD SCHOOL DISTRICT;
ROBERT SNYDER,
Individually and in his
capacity as Principal of
the Rice Avenue Middle
School; and GREGORY
YARBENET, a professional
employee of the Girard
School District,
Defendants

HONORABLE SEAN J. MCLAUGHLIN

Jury Trial Demanded

Deposition of KIMBERLY A. JENKE, taken before and
by Carol A. Holdnack, RPR, Notary Public in and for
the Commonwealth of Pennsylvania, on Tuesday,
June 28, 2005, commencing at 10:19 a.m., at the
offices of Knox McLaughlin Gornall & Sennett, P.C.,
120 West Tenth Street, Erie, PA 16501.

For the Plaintiffs:

Edward A. Olds, Esquire
1007 Mount Royal Boulevard
Pittsburgh, PA 15223

For the Defendants Girard School District and Robert Snyder:

Richard A. Lanzillo, Esquire
Knox McLaughlin Gornall & Sennett, P.C.
120 West Tenth Street
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Reported by Carol A. Holdnack, RPR
Ferguson & Holdnack Reporting, Inc.

Stacy S. v. Girard School District, et al.

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<p style="text-align: right;">Page 6</p> <p>1 with Gregory Yarbenet.</p> <p>2 A. I didn't have any contact with Greg.</p> <p>3 Q. Were you ever in his classroom?</p> <p>4 A. No.</p> <p>5 Q. Did you have your own classroom?</p> <p>6 A. No.</p> <p>7 Q. You went to other classes --</p> <p>8 A. I went to other classrooms with a student.</p> <p>9 Q. Okay. But none of your students were in</p> <p>10 Yarbenet's class?</p> <p>11 A. No.</p> <p>12 Q. What grade students did you have?</p> <p>13 A. Well, life skills was actually an age. And I</p> <p>14 think they started at age 12 and went to 15, but I'm not</p> <p>15 positive.</p> <p>16 Q. Okay. And then the learning support?</p> <p>17 A. I actually worked with that student for a half a</p> <p>18 year, and he was actually in fifth grade.</p> <p>19 Q. So that was one student?</p> <p>20 A. Correct.</p> <p>21 Q. The life skills, was that one student or more than</p> <p>22 one student?</p> <p>23 A. I worked with 13 students. There were, I think,</p> <p>24 five aides and the teacher.</p> <p>25 Q. Okay.</p>	<p style="text-align: right;">Page 8</p> <p>1 And the door would be either closed completely or ajar a</p> <p>2 small amount.</p> <p>3 Q. And did you observe this frequently?</p> <p>4 A. Several times. I don't know if I would call it</p> <p>5 frequently, but, yeah, several times. It was not a one --</p> <p>6 one occasion.</p> <p>7 Q. And how would you know that the -- all the other</p> <p>8 students had left?</p> <p>9 A. Because I actually saw them coming out alone at</p> <p>10 one point.</p> <p>11 Q. You saw Stacy and Yarbenet coming out alone?</p> <p>12 A. Correct.</p> <p>13 Q. Okay. Now, was there anything else that you</p> <p>14 observed that concerned you?</p> <p>15 A. I would see him several times watching her walk</p> <p>16 down the halls, going up staircases. And just always seemed</p> <p>17 to be watching.</p> <p>18 Q. Did you -- apparently -- do you know what period</p> <p>19 of time elapsed over which you developed this concern or</p> <p>20 made these observations?</p> <p>21 A. I was in that homeroom when this child was in</p> <p>22 seventh and eighth grade. Okay. She -- like I said, life</p> <p>23 skills goes with age. She is now 18, 19. She turned 19 in</p> <p>24 April. So she would be a senior. So this was four, five,</p> <p>25 six years ago when she was in seventh and eighth grade.</p>
<p style="text-align: right;">Page 7</p> <p>1 A. And there were 13 students.</p> <p>2 Q. Okay. At some point did the -- did you -- did you</p> <p>3 have observations of Yarbenet and Stacy that disturbed you</p> <p>4 or upset you?</p> <p>5 A. Yes.</p> <p>6 Q. Tell me how it came about that you had those</p> <p>7 observations.</p> <p>8 A. I went to a homeroom with one of the students.</p> <p>9 And her homeroom was actually with Jean Verdecchia, which is</p> <p>10 the music teacher. And the -- Greg Yarbenet had the video</p> <p>11 studio for the announcements on the -- in a classroom -- I'm</p> <p>12 sorry, that's my phone.</p> <p>13 Q. Oh, is it?</p> <p>14 A. Yeah.</p> <p>15 Q. I have mine on vibrate too.</p> <p>16 A. I'm sorry. I didn't think it would be that loud.</p> <p>17 Q. That's all right.</p> <p>18 A. But the video studio was connected with the music</p> <p>19 room. And I observed some things that made me very</p> <p>20 uncomfortable at that time.</p> <p>21 Q. What did you -- specifically, what did you</p> <p>22 observe?</p> <p>23 A. My biggest concern was when everyone else would</p> <p>24 leave the video studio, and Greg and Stacy, which I did not</p> <p>25 know her name at the time, would be in the studio alone.</p>	<p style="text-align: right;">Page 9</p> <p>1 Q. So this would be probably -- according to your</p> <p>2 recollection, it might be the 1999 and 2000 year. If this</p> <p>3 is 2005 --</p> <p>4 A. If this is 2005, it might have even been '98,</p> <p>5 Q. Okay.</p> <p>6 A. '99.</p> <p>7 Q. Okay. And did you know -- did you know Stacy at</p> <p>8 all?</p> <p>9 A. No.</p> <p>10 Q. Okay. So what you observed was Yarbenet with a</p> <p>11 young girl alone in a room.</p> <p>12 A. Correct.</p> <p>13 Q. Okay. And did you observe that -- a situation</p> <p>14 over a long period of time? I mean, you said that you were</p> <p>15 in this homeroom for two years, right?</p> <p>16 A. Correct.</p> <p>17 Q. Ms. Verdecchia.</p> <p>18 A. Verdecchia.</p> <p>19 Q. Verdecchia. And would you observe that situation</p> <p>20 from time to time over that entire time span?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. Did you observe anything that made you --</p> <p>23 okay. You knew that they were alone. And you observed the</p> <p>24 way Yarbenet would watch Stacy.</p> <p>25 A. Um-hum.</p>

3 (Pages 6 to 9)

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Kimberly Jenke

<p style="text-align: right;">Page 10</p> <p>1 Q. And when you saw him watch Stacy, was he near his</p> <p>2 classroom?</p> <p>3 A. At one point I remember him being in his classroom</p> <p>4 outside the door, which all the teachers were supposed to be</p> <p>5 in the hallway during change of class anyway. So teachers</p> <p>6 being in the hallway was not unusual. So one time I did</p> <p>7 observe him outside his classroom. And I remember one time</p> <p>8 the -- there was a staircase by the projection room, or</p> <p>9 whatever you want to call that, that video room. And I</p> <p>10 remember him watching her as she walked up the steps and</p> <p>11 went into the next story, which would be the second floor.</p> <p>12 Q. Okay. And that made you nervous, the way he</p> <p>13 looked at her?</p> <p>14 A. Oh, yes.</p> <p>15 Q. Describe what -- to the best that you can, could</p> <p>16 you describe -- I mean, his look or his conduct.</p> <p>17 A. It wasn't -- you know, I always tell my husband</p> <p>18 it's a feeling I get. And I have found over the years,</p> <p>19 especially as I'm growing older, that that means something.</p> <p>20 Okay.</p> <p>21 Q. Okay.</p> <p>22 A. And it's just a sick feeling that I got. And it</p> <p>23 was just -- it's not really something that you can describe.</p> <p>24 Some people may see it and say there's -- so what, it's not</p> <p>25 a big deal, it's a teacher watching students walk down the</p>	<p style="text-align: right;">Page 12</p> <p>1 opinion than anything. And I don't get into he said/she</p> <p>2 said. That's not something that I've ever done.</p> <p>3 Q. Okay.</p> <p>4 A. And that's what I would feel that I was doing now.</p> <p>5 Q. Okay. In a case like this, one of the reasons</p> <p>6 that we do discovery, and this is the discovery phase of the</p> <p>7 case, is that we're looking for not only what you know but</p> <p>8 potentially what other people -- what you know that other</p> <p>9 people might know so that maybe we could talk to those other</p> <p>10 people. We're going to be deposing, I think, Ann Mathews</p> <p>11 here today. Do you recall what she said?</p> <p>12 A. I would just say that all of us felt uncomfortable</p> <p>13 with his look. He just had a demeanor about him that made</p> <p>14 us all uncomfortable.</p> <p>15 Q. Okay. And you indicated that you went to</p> <p>16 Mr. Snyder.</p> <p>17 A. Correct.</p> <p>18 Q. Did any of the other aides indicate to you that</p> <p>19 they thought that they might go to Mr. Snyder, or?</p> <p>20 A. I don't remember for sure if they had said they</p> <p>21 went to him or not.</p> <p>22 Q. Okay. And do you remember what time of the year</p> <p>23 you went to Mr. Snyder?</p> <p>24 A. No.</p> <p>25 Q. Okay.</p>
<p style="text-align: right;">Page 11</p> <p>1 hall. It was my feeling that I got in the pit of my stomach</p> <p>2 knowing that there was something amiss.</p> <p>3 Q. Okay. Did you talk to any other staff members</p> <p>4 about this?</p> <p>5 A. I went to Mr. Snyder about it.</p> <p>6 Q. Okay. Did you -- before I get to that, did you</p> <p>7 talk to, for instance, Ms. Verdecchia or any of the other</p> <p>8 staff members?</p> <p>9 A. I talked to some of the aides in the classroom</p> <p>10 about it.</p> <p>11 Q. Do you remember which aides you talked to?</p> <p>12 A. Well, the aides that were in there would be Ann</p> <p>13 Mathews, Wendy Cook, and Sarah Clawson.</p> <p>14 Q. Okay. And would you talk to them on one occasion</p> <p>15 or more than one occasion?</p> <p>16 A. Oh, more than one occasion, yeah. We talked</p> <p>17 several times about the way that Greg was.</p> <p>18 Q. Did they have their own observations of --</p> <p>19 A. Yes.</p> <p>20 Q. Can you recall some of the things that they</p> <p>21 observed.</p> <p>22 A. I would prefer not to comment on what they had</p> <p>23 said.</p> <p>24 Q. And that's because you can't remember or --</p> <p>25 A. Well, because we talked, and it was more an</p>	<p style="text-align: right;">Page 13</p> <p>1 A. I mean, knowing myself, I would go to him like</p> <p>2 right away.</p> <p>3 Q. Okay.</p> <p>4 A. Okay. I'm assuming it was when this child that I</p> <p>5 had was in seventh grade.</p> <p>6 Q. Okay. And so -- and you -- before we get to</p> <p>7 Mr. Snyder. There was talk among the aides, and you weren't</p> <p>8 the only one to observe that something was improper. Some</p> <p>9 of the other aides apparently were upset or at least</p> <p>10 concerned as well.</p> <p>11 MR. LANZILLO: Objection to the form of the</p> <p>12 question. You can go ahead and answer.</p> <p>13 Q. Did any of the other aides express concern to you?</p> <p>14 A. Like I said, we all had an uneasy feeling about</p> <p>15 Greg. He just gave us the creeps, all of us. We tried to</p> <p>16 stay away from him.</p> <p>17 Q. Okay. And so at some point you went and talked to</p> <p>18 Mr. Snyder. To the best of your recollection, tell me what</p> <p>19 you said to Mr. Snyder and what happened in that</p> <p>20 conversation.</p> <p>21 A. I went to him when I had -- when I saw that that</p> <p>22 door was closed. And I had seen Stacy and Greg come out of</p> <p>23 it. Okay. And I told him that that's just -- it was weird,</p> <p>24 a teacher should not be doing that. And then I told him</p> <p>25 about observing how Greg would watch her, and how it made me</p>

4 (Pages 10 to 13)

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Stacy S. v. Girard School District, et al.

Kimberly Jenke

<p style="text-align: right;">Page 22</p> <p>1 Q. This one you just can't --</p> <p>2 A. Yeah.</p> <p>3 Q. -- put your fingers on.</p> <p>4 A. Well, it's been so long too.</p> <p>5 Q. Right.</p> <p>6 A. But I have looked. So I can't seem to find it.</p> <p>7 Q. And I think you put it that there was something</p> <p>8 about Yarbenet's demeanor that made you uncomfortable.</p> <p>9 A. Yes.</p> <p>10 Q. Did any student ever approach you or indicate to</p> <p>11 you that Greg Yarbenet had touched them inappropriately or</p> <p>12 sexually harassed them in any way?</p> <p>13 A. No.</p> <p>14 Q. And you never observed any contact between Greg</p> <p>15 Yarbenet and any student that you considered to be sexual</p> <p>16 harassment or abuse or anything?</p> <p>17 A. No.</p> <p>18 Q. Okay. Your concern was that -- was based upon</p> <p>19 your gut feeling about Yarbenet and the fact that he was in</p> <p>20 this room for some period of time alone with any student.</p> <p>21 A. Correct.</p> <p>22 Q. I take it this would have been early in the day</p> <p>23 when they were having student announcements.</p> <p>24 A. First thing in the morning, yes.</p> <p>25 Q. And do you recall how long that the period of time</p>	<p style="text-align: right;">Page 24</p> <p>1 concerning the nature of the relationship between the</p> <p>2 Yarbenet family and the [REDACTED] family?</p> <p>3 A. At the time I did not. When I talked to Bob</p> <p>4 Snyder later on, he did tell me that they did go to church</p> <p>5 together. Because I did express to him that this was a big</p> <p>6 concern of mine. And I did not -- I was not comfortable</p> <p>7 with it at all. And that's when he told me that it was out</p> <p>8 of the School District's hands because the parent had said</p> <p>9 he's mentoring her, they go to church together, and that</p> <p>10 they're good friends.</p> <p>11 Q. Are you sure it was church together or that -- I</p> <p>12 didn't -- it's not my understanding that they went to the</p> <p>13 same church, but that the families were close. Do you</p> <p>14 remember precisely what he told you in that regard?</p> <p>15 A. From what I can remember, it was church together.</p> <p>16 Q. Okay.</p> <p>17 A. So, like I said, it's been so long, that -- but</p> <p>18 from my recollection.</p> <p>19 Q. I understand you're doing the best you can to</p> <p>20 remember things that took place years ago. Have you ever</p> <p>21 had any contact with Mrs. [REDACTED] Stacy's mother?</p> <p>22 A. No.</p> <p>23 Q. Mr. [REDACTED]?</p> <p>24 A. No.</p> <p>25 Q. And your best estimate when Yarbenet and Stacy</p>
<p style="text-align: right;">Page 23</p> <p>1 was between the time kids would arrive in that TV studio and</p> <p>2 when they would then be moving on to their first class or</p> <p>3 back to their homerooms?</p> <p>4 A. Oh, I would have no idea.</p> <p>5 Q. Okay.</p> <p>6 A. Because I would observe the door being closed</p> <p>7 after the announcements and after homeroom was done. But I</p> <p>8 don't remember from the time the announcements ended to the</p> <p>9 time that homeroom was done.</p> <p>10 Q. Okay. Were you ever able to see into the room and</p> <p>11 see any activity in there?</p> <p>12 A. No.</p> <p>13 Q. The instance where you observed Yarbenet and Stacy</p> <p>14 [REDACTED] in Wal-Mart, were they walking through Wal-Mart?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. Did you have occasion to talk to either one</p> <p>17 at that time?</p> <p>18 A. I did say hello to Greg. Like I said, I did not</p> <p>19 know Stacy at the time.</p> <p>20 Q. Okay. You didn't know whether Stacy was there</p> <p>21 with the parents' permission or what the circumstances were?</p> <p>22 A. No, I did not. I just -- I saw the two of them</p> <p>23 walking together. I wouldn't have even know they were</p> <p>24 together except that they were right next to one another.</p> <p>25 Q. Do you have any knowledge or information</p>	<p style="text-align: right;">Page 25</p> <p>1 would apparently be in the studio alone together, for how</p> <p>2 long a period of time, do you recall?</p> <p>3 A. No. No. Because that's what I said before, there</p> <p>4 was -- because I know that I would observe it when we left</p> <p>5 homeroom, but I have no idea what the time period was.</p> <p>6 Q. I got you. You just know for some period of time,</p> <p>7 which you can't quantify, they would have been in there</p> <p>8 alone together.</p> <p>9 A. Correct.</p> <p>10 MR. LANZILLO: That's all I have, Ms. Jenke.</p> <p>11 Thank you very much.</p> <p>12 MR. OLDS: I just have a -- hopefully not too many</p> <p>13 additional follow-up questions.</p> <p>14</p> <p>15 REDIRECT EXAMINATION</p> <p>16 BY MR. OLDS:</p> <p>17</p> <p>18 Q. I think you said that you delivered the letter to</p> <p>19 Mr. Snyder, and was there a period of time when you didn't</p> <p>20 hear back from him?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. And then you saw them, Stacy and Yarbenet,</p> <p>23 at Wal-Mart, and so you went back and talked to Bob Snyder.</p> <p>24 A. Correct.</p> <p>25 Q. And that's when you recall him saying that -- I</p>

7 (Pages 22 to 25)

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Kimberly Jenke

<p style="text-align: right;">Page 14</p> <p>1 feel. And he told me to write it all down. I have not been 2 able to find that statement that I wrote for him. 3 Q. Did you write a statement? 4 A. I did. 5 Q. And did you give it to Mr. Snyder? 6 A. I did. 7 Q. Okay. And how long was it? Was it a page, or? 8 A. Oh, it was probably two paragraphs. Just what I 9 had observed, at what time of day. Just the basics, which 10 was not unusual for me. You know, I mean, you do that when 11 you make an accusation, as I felt I was doing. 12 Q. Okay. 13 A. Okay. 14 Q. And what you said in that letter was what you're 15 saying here today. That you had observed them alone behind 16 closed doors. And did you also say in the letter that you 17 had observed Yarbenet looking at Stacy in the manner that 18 made you feel uncomfortable? 19 A. Yes. 20 Q. Okay. So you had a meeting with Mr. Snyder, and 21 you expressed those thoughts to him. 22 A. Correct. 23 Q. Is that right? And then he told you to put it in 24 writing. 25 A. Correct.</p>	<p style="text-align: right;">Page 16</p> <p>1 don't remember exactly when I went to him, but, yes, it did 2 continue. But we were told -- and as a parent, I'm sorry, 3 but if I say I know what's going on, this is my child, I 4 feel that that was the end of it. I mean, the parents were 5 aware. 6 Q. Okay. Well, and then Yarbenet -- were you in this 7 school when Yarbenet was suspended and he -- did you learn 8 that he was eventually arrested? 9 A. I was not in the School District at that time, no. 10 Q. So you had left by that time. 11 A. Correct. 12 Q. Had you -- did you -- in terms of the observations 13 that you made, you talked to aides. Did you ever talk to 14 any of the faculty members to see if they had observed 15 anything? 16 A. No. 17 Q. For instance, did you know Mrs. Seneta? 18 A. No. 19 Q. Mrs. Werling? 20 A. Well, I knew them. I was in a couple of their 21 classrooms. But, no, I never went to any other -- 22 Q. Okay. 23 A. -- any other staff. I mean, the aides and I 24 talked, but that was the extent of it. 25 Q. Did you ever hear any students talking?</p>
<p style="text-align: right;">Page 15</p> <p>1 Q. Is that right? And then you put it in writing. 2 A. Yes. 3 Q. Did you have any more meetings with him about it? 4 A. At a later date I did, because I did not feel -- I 5 mean, I wrote it down. It was out of my hands. But at a 6 later date I did see Stacy and Greg at Wal-Mart. And they 7 were -- it was just the two of them. And so I went to 8 Mr. Snyder again. And I had said something to him. 9 Q. About that -- 10 A. About that observation. 11 Q. -- observation? 12 A. Yes. 13 Q. Okay. 14 A. And at that time he told me that he had talked 15 with the mother. And that she had told him that Greg was 16 mentoring Stacy, and that she was well aware of their 17 relationship and did not have a problem with it. 18 Q. Okay. 19 A. And he said the School District -- their hands 20 were tied if the mother did not have a problem with it. 21 Q. Okay. Okay. And then do you remember if you 22 observed anything that you thought that made you 23 uncomfortable after that second conversation? 24 A. Oh, yes. I mean, this went on for the two years 25 that I remember being in this homeroom. Like I said, I</p>	<p style="text-align: right;">Page 17</p> <p>1 A. No. 2 Q. Okay. Did Ann Mathews -- she had -- did you know 3 that she had a daughter who was in Stacy's class? 4 A. I knew that she had daughters. As far as being in 5 Stacy's class, no. 6 Q. Okay. And so after the disclosure and Yarbenet 7 was arrested -- I assume that you heard that publicity, 8 right? 9 A. Yes. 10 Q. Did you ever -- after that point, did you ever 11 talk to anyone at the School District about your 12 observations? 13 A. I talked with Wendy Cook right after I heard about 14 the arrest. 15 Q. Who is Wendy Cook? 16 A. She is one of the other aides in the classroom. 17 Q. Okay. Oh, that's right, you gave me her name. 18 A. And I asked her if she knew anything. And she 19 said that it was the accusation against Stacy. 20 Q. Okay. So when the news broke, you didn't know 21 which student it pertained to? 22 A. No, I did not. 23 Q. And then you found out that it was Stacy. 24 A. Correct. 25 Q. Okay. Did you ever see Yarbenet with his hands on</p>

5 (Pages 14 to 17)

C-5

Stacy S. v. Girard School District, et al.

Kimberly Jenke

<p style="text-align: right;">Page 22</p> <p>1 Q. This one you just can't --</p> <p>2 A. Yeah.</p> <p>3 Q. -- put your fingers on.</p> <p>4 A. Well, it's been so long too.</p> <p>5 Q. Right.</p> <p>6 A. But I have looked. So I can't seem to find it.</p> <p>7 Q. And I think you put it that there was something</p> <p>8 about Yarbenet's demeanor that made you uncomfortable.</p> <p>9 A. Yes.</p> <p>10 Q. Did any student ever approach you or indicate to</p> <p>11 you that Greg Yarbenet had touched them inappropriately or</p> <p>12 sexually harassed them in any way?</p> <p>13 A. No.</p> <p>14 Q. And you never observed any contact between Greg</p> <p>15 Yarbenet and any student that you considered to be sexual</p> <p>16 harassment or abuse or anything?</p> <p>17 A. No.</p> <p>18 Q. Okay. Your concern was that -- was based upon</p> <p>19 your gut feeling about Yarbenet and the fact that he was in</p> <p>20 this room for some period of time alone with any student.</p> <p>21 A. Correct.</p> <p>22 Q. I take it this would have been early in the day</p> <p>23 when they were having student announcements.</p> <p>24 A. First thing in the morning, yes.</p> <p>25 Q. And do you recall how long that the period of time</p>	<p style="text-align: right;">Page 24</p> <p>1 concerning the nature of the relationship between the</p> <p>2 Yarbenet family and the Stacy family?</p> <p>3 A. At the time I did not. When I talked to Bob</p> <p>4 Snyder later on, he did tell me that they did go to church</p> <p>5 together. Because I did express to him that this was a big</p> <p>6 concern of mine. And I did not -- I was not comfortable</p> <p>7 with it at all. And that's when he told me that it was out</p> <p>8 of the School District's hands because the parent had said</p> <p>9 he's mentoring her, they go to church together, and that</p> <p>10 they're good friends.</p> <p>11 Q. Are you sure it was church together or that -- I</p> <p>12 didn't -- it's not my understanding that they went to the</p> <p>13 same church, but that the families were close. Do you</p> <p>14 remember precisely what he told you in that regard?</p> <p>15 A. From what I can remember, it was church together.</p> <p>16 Q. Okay.</p> <p>17 A. So, like I said, it's been so long, that -- but</p> <p>18 from my recollection.</p> <p>19 Q. I understand you're doing the best you can to</p> <p>20 remember things that took place years ago. Have you ever</p> <p>21 had any contact with Mrs. Stacy, Stacy's mother?</p> <p>22 A. No.</p> <p>23 Q. Mr. Stacy?</p> <p>24 A. No.</p> <p>25 Q. And your best estimate when Yarbenet and Stacy</p>
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7 (Pages 22 to 25)

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